

10/700,034

1570A / SYMBP160USA

REMARKS

Claims 1-16 are currently pending in the subject application and are presently under consideration. Claims 1-16 can be found on pages 2-5 of the Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-6, 9-12 and 15 Under 35 U.S.C. §102(e)

Claims 1-6, 9-12 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ehrhart *et al.* (US 6,722,569). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Ehrhart *et al.* does not disclose each and every limitation set forth in applicants' claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to systems and methods for employing a terminal housing as part of a portable scanner unit as to increase utility and add ruggedness. In particular, independent claim 1 recites a portable hand-held data terminal comprising a top portion, a bottom portion attached to the top portion, the bottom portion comprising *a handle with a stylus compartment therein*, and a stylus of the portable terminal housed within the stylus compartment. Independent claims 10, 11, and 15 recite similar limitations. Ehrhart *et al.* does not teach or suggest such claimed aspects.

In the subject Office Action, it is contended that Ehrhart *et al.* discloses a handle with a stylus compartment therein. Applicants' representative respectfully disagrees with this contention. Rather, Ehrhart *et al.* relates to an inexpensive optical reader that is configured to perform color photography. (*See Summary*). In the cited reference, an optical reader has a stylus tethered by a wire and coupled to the side of the reader. (*See Fig. 1C*). In the subject invention, the mobile terminal has a handle with a stylus

10/700,034

1570A / SYMBP160USA

compartment within the handle. The stylus compartment accepts and holds a stylus. The stylus is stored entirely inside the handle. (See Figs. 6a and 6b). The stylus in Ehrhart *et al.* is not held inside the handle of the device and, instead is attached to the exterior side of the device. Thus, Ehrhart *et al.* discloses a stylus, but nowhere discloses *a handle with a stylus compartment therein* as recited in independent claim 1 (and similarly in independent claims 10, 11, and 15).

In view of at least the foregoing, it is readily apparent that Ehrhart *et al.* fails to disclose, teach, or suggest each and every limitation as recited in the subject claims. Accordingly, it is respectfully submitted that this rejection be withdrawn.

## **II. Rejection of Claims 7-8, 13-14 and 16 Under 35 U.S.C. §103(a)**

Claims 7-8, 13-14 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ehrhart *et al.* in view of Liu *et al.* (US 6,410,865). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Ehrhart *et al.* and Liu *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Liu *et al.* does not make up the aforementioned deficiencies of Ehrhart *et al.* with respect to independent claims 1, 10, 11 and 15 (which claim 7-8, 13-14, and 16 depends from). Therefore, the subject invention as recited in claims 7-8, 13-14 and 16 is not obvious over the combination of Ehrhart *et al.* and Liu *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

10/700,0341570A / SYMBP160USA**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP160USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731